

**Agenda Item 5**

**Enclosure 1**

**Health and Care Professions Council  
22 May 2019**

**Minutes of the Council meeting of 20  
March 2019**

**For approval**

**From Claire Amor, Secretary to Council**

**Council**

**Public minutes of the 123<sup>rd</sup> meeting of the Health and Care Professions  
Council as follows:-**

**Date:** Wednesday 20 March 2019

**Time:** 10am (The public part of the meeting was preceded by the private part of the Council meeting at 9.00am)

**Venue:** Room K, Health and Care Professions Council, Park House,  
184 Kennington Park Road, London SE11 4BU

**Present:** Christine Elliott (Chair)  
Stephen Cohen  
Maureen Drake  
Kathryn Foreman  
Sue Gallone  
Sonya Lam  
Eileen Mullan  
Gavin Scott  
Robert Templeton  
Stephen Wordsworth

**In attendance:**

Claire Amor, Secretary to Council  
John Barwick, Executive Director of Regulation  
Olivia Bird, Acting Policy Manager  
Guy Gaskins, Executive Director of IT and Resources  
Nike Gustave, Professional Standards Authority  
Zoe Maguire, Head of Tribunal Services  
Jacqueline Ladds, Executive Director of Policy and External Relations  
Jasmine Leng, Policy Officer  
Joanna Mark-Richards, Director of HR and Organisational Development  
Charlene Perryman, Case Team Manager Investigations  
Uta Pollman, HR and Partner Manager  
Sarah Ritchie, Policy Officer  
Marcia Saunders, Chair of the Tribunal Advisory Committee  
Marc Seale, Chief Executive and Registrar  
Kate Steele, Capsticks LLP

## Public Agenda

### **Item 1.19/36 Chair's welcome and introduction**

- 1.1. The Chair welcomed Council members, the Executive and those seated in the public gallery to the 123<sup>rd</sup> meeting of Council.

### **Item 2.19/37 Apologies for absence**

- 2.1 No apologies were received.

### **Item 3.19/38 Approval of Agenda**

- 3.1 The Council approved the agenda.

### **Item 4.19/39 Declaration of Members' interests**

- 4.1 No interests were declared.

### **Item 5.19/40 Minutes of the Council meeting of 14 February 2019**

- 5.1 The Council agreed that paragraph 10.14 of the minutes should reflect that a vote was taken and record the numbers for and against the decision. It was also agreed that the need to future fee review plans should be included in the minutes.
- 5.2 Subject to the amendments outlined in 5.1 above, the Council agreed the minutes of the 122<sup>nd</sup> meeting of the Health and Care Professions Council.

### **Item 6.19/41 Matters arising**

- 6.1 The Council noted those matters arising from the meeting held on 14 February 2019.

## Standing items

### **Item 7.19/42 Chair's report**

- 7.1 The Council received a report from the Chair. The Council noted recent external engagement activity undertaken by the Chair.

### **Item 8.i.19/43 Chief Executive's report**

- 8.i.1 The Council received a report from the Chief Executive.

8.i.2 The Council noted the following points:-

- following the Council's decision to increase the registration fees from 1 October 2019 an Early Day Motion (EDM) against the proposed rise had been signed by 120 MPs. The Executive is monitoring the EDM and responding to parliamentary letters on the fee rise;
- the proposed fee increase had been discussed at a Westminster Hall Debate. Following this the Minister had agreed to write to the PSA regarding its role in the setting of fee levels and to the HCPC regarding part time worker fee reductions. This letter has been received and a response is being drafted;
- communication plans had been developed in response to the possible outcomes of the proposals passage through parliament; and
- the Chair and Chief Executive will meet with the Scottish Minister for Health and Sport in May. The proposed fee increase was on the agenda for discussion.

8.i.3 The Council asked if any progress had been made on regulatory reform. It was noted that at a meeting in February, the Department of Health and Social Care (DHSC) indicated that a delay to the timetable was expected. There had been no developments on the regulation of Medical Associate Professions.

8.i.4 The Council discussed the meeting with NHS Education for Scotland (NES) on the timetable for paramedic SET 1 changes. It was noted that the meeting had clarified the situation and the concerns of NES had been responded to.

8.i.5 The Council asked if any new themes had emerged from the recent PSA conference. It was noted that sessions focused on systems, ethics and common traits of good regulators. The use of artificial intelligence in regulation also had been a common theme.

#### **Item 8.ii.19/44 Performance report**

8.ii.1 The Council received a report from the Chief Executive.

8.ii.2 The Council noted the following points:-

- the number of new FTP concerns received continued to be higher than the forecast. To support case progression, the focus continued to be targeting the oldest cases, as well as escalated legal investigation and enhanced scheduling;

- the FTP improvement project was due to conclude at the end of March 2019. The outputs of the project were being reported to the PSA for contextual information for the coming review cycle;
  - the initial meeting of the Education quality assurance review group took place in February. Early outputs from discussions held indicated that the group is well positioned to provide clear recommendations for the future; and
  - it was expected that the 2018-19 year-end financial result will be a surplus of £44k.
- 8.ii.3 The Council discussed how to ensure continuing focus on FTP improvement when the project is closed. It was noted that a focus of the FTP work plan for 2019-20 was embedding improvements and evaluating the effectiveness of changes. The Quality Assurance team would provide independent assurance.
- 8.ii.4 The rise in new FTP concerns was discussed. It was noted that further increases in case numbers would impact on the budget assumptions for 2019-20 and associated KPIs. As the budget was likely to be impacted by external factors, revisions might need to be considered by Council through 2019-20.
- 8.ii.5 The Council discussed the causal factors leading to increased concerns and agreed that understanding these factors was key as they could point towards wider system failures. It was noted that the HCPC was part of the CQC emerging concerns protocol and several similar memoranda of understanding aimed at sharing intelligence across the sector.
- 8.ii.6 The Council asked how FTP employees were being supported given the increase in case levels and wider improvement work changes taking place. It was noted that a review of job descriptions and analysis of the time it takes to complete key tasks has concluded. The aim of this review was to enhance support around decision making and to reduce non-essential tasks to enable case workers to focus on quality and case progression. Additionally specialist, technical roles had been successfully piloted and would be introduced permanently.
- 8.ii.7 The Council noted that registration numbers for podiatrists / chiropodists were reducing. It was noted that the Chief Executive was a member of a working group focused on workforce shortages to support the NHS 10 year plan. Health Education England was also working on initiatives to encourage more students into the profession.

### **Item 9.19/45 Transfer of Social Workers to Social Work England**

- 9.1 The Council received a paper from the Executive Director of Regulation.

9.2 The Council noted the following points:-

- the announcement of a final transfer date had yet to be made, however, SWE was working towards a provisional date of the 3 December 2019. HCPC was also working towards this date and the project plan was aligned to this date;
- SWE had shared their draft Risk Register, this had been reviewed alongside the HCPC risk register. High-level risks which were common to both SWE and HCPC had been identified;
- the main focus of recent discussions had been the provisions required to enable HCPC to legally transfer data to SWE before the formal transfer date, to enable SWE to test its systems. The HCPC remained the data controller of this data until the formal transfer date, and as such retained all risk; and
- a Transitional order was being developed by the Department for Education (DfE) to enable this test data transfer. It was currently expected that this Order would be laid in Parliament in June 2019.

9.3 The Council agreed that legal provisions for the early sharing of data were essential as the Council owned all risk associated with this data processing and considerable assurance was required. It was noted that the project team would continue to make technical preparations for the early sharing of data.

9.4 It was noted that the Audit Committee should consider the social work transfer risk register as a standing item at each of its meetings. This would provide assurance that mitigations within the HCPC's control were in place.

9.5 The Council noted that regular updates on FTP case levels were being provided to SWE. The Chair and Executive team had met with the Chair and Chief Executive of SWE on 5 March to discuss the FTP case data.

9.6 The Council noted that proposals for additional grant funding to reflect the December 2019 transfer date and additional costs incurred as a result of the uncertainty around the transfer date a final submission would be made to the DfE shortly. It was noted that the grant submission included funding to support employee retention before the transfer.

9.7 The Chief Executive requested feedback on the performance report format including any information which might be superfluous..

### Items for discussion / approval

#### **Item 10.i.19/46 Budget 2019-20**

10.i.1 The Council received a paper from the Interim Director of Finance.

The Council welcomed Jameela Khan to her first meeting of Council as Interim Director of Finance.

10.i.2 The Council noted the following points:-

- the draft budget for 2019-20 was presented to Council on 14 February;
- following on from the meeting, information had been received that affected the budget; this included the receipt of the annual PSA levy invoice, refined understanding of resource requirements for some departments and additional information received regarding a number of major projects;
- the revised business case for the Registration Transformation and Improvement project had had a significant impact on the budget. Three options with differing financial impacts were presented to the Council at its private meeting. The financial impact of the three options was outlined in appendix two of the paper;
- as requested by Council, a prudent level of bank interest was now included;
- the budgeted increase in FTP case levels reflected the current trend of rising new case levels; and
- the overall result of the revised budget was a deficit for 2019-20 of £1.49m, this was in line with the 5 year plan (which was being updated).

10.i.3 The Council discussed the reduction in the communications budget of 19%. It was noted that this reflected the full year impact of the team restructure which took place in 2018.

10.i.4 The Council requested that paragraph 4.8 be revised to clarify that it applied only to the regulation functions of the HCPC, in relation to social worker regulation, in anticipation of the transfer of regulation to SWE.

10.i.5 The Council discussed the budget for partner fees, which assumed no increase in fee rates. It was noted that a review of partner fees would take place in 2019-20. It was agreed that a paper on the review plans would come to a future Council meeting.

10.i.6 The Council noted that no additional grant income was included in the budget, which had been prepared based on prudent assumptions. The Council considered that income from bank interest could be too prudent in its estimation.

10.i.7 The Council approved the budget for 2019-20, noting that it reflected external uncertainties in the year ahead.

## **Item 10.ii.19/47 Insurance disclosures**

- 10.ii.1 The Council received a paper from the Interim Director of Finance.
- 10.ii.2 Council members were asked to consider whether they knew of any information which might require disclosure to the insurers, and if so, to inform the Interim Director of Finance.

## **Item 11.19/48 Stakeholder market research - Understanding and views of the HCPC**

- 11.1 The Council received a paper from the Acting Policy Manager.
- 11.2 The Council noted the following points:-
- in May 2018, the HCPC commissioned ComRes to conduct stakeholder market research into the understanding and views of HCPC. Similar research took place in 2005, 2007, 2011 and 2015;
  - the purpose of the research had been to benchmark stakeholder views and understanding in a way which could be compared to previous research and monitored in future research;
  - the research found that stakeholder confidence was generally high across all the surveyed groups;
  - registrant confidence was generally higher amongst those registered for three years or less and those who had engaged with HCPC in the last year; and
  - stakeholders demonstrated a good understanding of the purpose of regulation. However, a large percentage of respondents thought the HCPC's had aims close to those of a professional body, for example representing registrant views.
- 11.3 The Council noted that awareness among practitioner psychologists appeared lower than other groups. This connected to the difficulty in recruiting psychologist partners noted in the minutes of the Tribunal Advisory Committee.
- 11.4 The Council discussed the finding that some stakeholders confused the role of the regulator and professional bodies. It was noted that raising awareness and understanding of the HCPC core regulatory processes and distinct role as a regulator was a strategic priority for the HCPC and formed part of the communications and engagement work accompanying the research.
- 11.5 The Council noted that stakeholders were supportive of the HCPC engaging in the prevention agenda.

11.6 The Council welcomed the report noting that it contained many positive findings, as well as areas for growth.

**Item 12.i.19/49 Minutes of the Education and Training Committee meeting of 7 March 2019**

12.i.1 The Chair of the Education and Training Committee provided the Council with a verbal summary of the business considered at the Committee's March 2019 meeting.

**Item 12.ii.19/50 Standards of proficiency review**

12.ii.1 The Council received a paper from the Acting Policy Manager.

12.ii.2 The Council noted the following points:-

- the standards of proficiency (SOPs) are reviewed cyclically and were last re-published five years ago between 2013 and 2017 so they were now due to be reviewed again;
- for this review cycle it was proposed to alter the process slightly from previous years so that the professions were reviewed at the same time, rather than on a rolling basis;
- it was also proposed not to use Professional Liaison Groups as part of the review, and instead, to seek feedback on the standards from stakeholders through stakeholder engagement. This was considered proportionate as the Executive was not aware of any significant changes required to any SOPs; and
- these changes were aimed at making the process more efficient and ensuring consistency across the standards.

12.ii.3 The Council agreed the SOPs review proposals.

**Item 12.iii.19/51 Outcomes of the Standards for prescribing consultation**

12.iii.1 The Council received a paper from the Acting Policy Manager.

12.iii.2 The Council noted the following points:-

- a consultation was held between 1 October 2018 and 4 January 2019 on proposed changes to the Standards for prescribing. 74 responses were received;
- there was strong support for the proposed revisions to the standards;

- a minority of respondents had felt that further guidance was required. The Executive would develop relevant guidance, ideally working with other regulators and organisations to produce a shared resource; and
- this guidance would not be in place before the launch of the revised standards. The Executive would apply robust signposting to external guidance in the information that are published online and in communications regarding the revised standards.

12.iii.3 In response to a question, the Executive noted that the consultation response rate was good for a specific and technically based consultation.

12.iii.4 The Council approved the revised standards for prescribing.

#### **Item 12.iv.19/52 Continuing Professional Development audit report 2015-17**

12.iv.1 The Council received a paper from the Registration Manager.

12.iv.2 The Council noted the following points:-

- the Education and Training Committee had recommended that the Council approve the publication of the report;
- the Committee discussed profession-specific tailored communication when engaging with the professional bodies on the findings of the report. This would be taken forward by the Executive; and
- when published, the report would be available on the HCPC website and it would be distributed to professional bodies and other key stakeholders.

12.iv.3 The Council noted that the number of CPD submissions requiring further information had reduced, indicating guidance was having a positive impact.

12.iv.4 The Council discussed deferral rates, as this issue was a common cause of registration appeals. It was noted that the Executive was exploring how other regulators manage disengagement.

12.iv.5 The Council approved the publication of the report.

#### **Item 12.v.19/53 Health and social care professionals return to practice**

12.v.1 The Council noted a paper from the Acting Policy Manager.

#### **Item 13.i.19/54 Fitness to Practice partners self-assessment**

13.i.1 The Council received a paper from the Partner and HR Manager.

13.i.2 The Council noted the following points:-

- FTP panel member performance review process consists of two parts, a paper based multisource feedback review, and a self-assessment which takes place at the end of a partner's first term of contract;
- a working group focused on improving FTP panel member performance management and feedback had recommended that the self-assessment exercise be discontinued due to its limited value; and
- the self-assessment exercise does not identify outliers of poor performance and is a time intensive process, which had led to a number of well performing partners disengaging and therefore not to continuing to a second term
- the Tribunal Advisory Committee had recommended that the Council discontinue the self-assessment exercise.

13.i.3 The Council noted that the self-assessment exercise had been reviewed with an aim to reduce the time intensive nature; however this had not prevented disengagement and resignations.

13.i.4 The Council agreed to discontinue the current requirement for self-assessment for FTP panel members and panel chairs.

#### **Item 13.ii.19/55 Partner Conflict of Interest Policy**

13.ii.1 The Council received a paper from the Partner and HR Manager.

13.ii.2 The Council noted that legal advice had been received, and that FTP panel members, chairs or legal assessors could not appear as representatives for HCPC registrants during the period of their appointment by HCPC. This has resulted in proposed changes to the current conflict of interest policy for partners.

13.ii.3 It was noted that the Tribunal Advisory Committee had discussed the advice and agreed to recommend the proposed policy change to the Council for approval.

13.ii.4 The Council approved the revised partner conflict of interest policy.

13.ii.5 The Council asked whether partners were included in the annual insurance disclosure request. The Interim Director of Finance agreed to review this.

#### **Item 14.19/56 HCPC registration fees – equality impact assessment**

- 14.1 The Council noted that the registration fees equality impact assessment had been agreed by correspondence, as agreed that the Council's meeting in February 2019.
- 14.2 The Council agreed that for future significant policy or process changes, an equality impact assessment should be part of the paper submitted to Council for approval to enable it to be considered fully as part of the decision-making process.

#### **To note**

The Council noted the following papers:-

#### **Item 15.19/57 Council remuneration policy update**

#### **Item 16.19/58 Minutes of the Remuneration Committee meeting of 15 February 2019**

#### **Item 17.19/59 Minutes of the Tribunal Advisory Committee of 27 February 2019**

#### **Item 18.19/60 Minutes of the Audit Committee meeting of 5 March 2019**

#### **Item 19.19/61 Any other business**

- 19.1 There was no other business discussed.

#### **Item 20.19/62 Meeting evaluation**

- 20.1 The Chair invited Marcia Saunders, Chair of the Tribunal Advisory Committee, to provide her observations on the day's meeting.
- 20.2 Marcia noted that the meeting had been inclusive and focused on the issues on the agenda. She asked the Council to consider where the advice of TAC could enhance its decision making.
- 20.3 Marcia noted comments from Council members on the length of papers; and shared her experiences of addressing this issue with TAC, advising that, decision points need to be clear, executive summaries concise and that visual elements may convey information more effectively.
- 20.4 The Council agreed that paper cover sheets should be revised to include information on risk factors and strategic links.
- 20.5 The Committee observed that the effectiveness of the Education and Training Committee in considering papers in detail and providing recommendations to the Council had been particularly notable during the meeting.

20.6 The Council agreed to seek to involve papers' authors more in its discussions.

**Item 21.19/63 Date and time of next meeting:**

21.1 22 May 2019, at Park House, 184 Kennington Park Road, London SE11 4BU.

Chair: .....

Date: .....

Draft